

OGC 75-3838
7 November 1975

MEMORANDUM FOR: Freedom of Information and Privacy Acts Officers

SUBJECT : Definition of Records to be Considered as Pertaining
to Individuals Under Privacy Act Requests

1. Requests for all information should require consideration of that information which evidences Central Intelligence Agency interest in requester.
2. Much information discovered during searches is not in fact information about individuals as contemplated by the Privacy Act, but rather is an incidental reference to the subject requester which is contained in a record pertaining to another subject and should not be considered a document responsive to the request.
3. The comprehensive Central Intelligence Agency cross-index systems appear to account for these incidental references appearing during record searches. However, it should be stressed that references turned up as a result of such searches are not invariably to be considered information pertaining to the individual.
4. Examples of incidental references not to be considered as information coming under the purview of the Freedom of Information Act are as follows:
 - a. A report that A met B in front of a theatre playing a movie starring actress C. The fact that C's name is cross-indexed in a manner that makes it retrievable does not mean that this bit of information "pertains" to that individual as defined by the Privacy Act.
 - b. An index card which contains the name of an individual but does not contain any substantive data other than file references is not to be considered information "pertaining" to an individual under the Privacy Act.

- c. On the other hand a document which was retained in order to record the membership of a certain group is information pertaining to each individual listed.

5. No hard and fast rule can be established to guide these determinations. Each case must be the subject of intelligent, judgmental decisionmaking. Exercise of such judgment will, however, result in more accurate and responsive answers to requests and will cut down substantially on time spent in reviewing documents for release or sanitization.



Office of General Counsel

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Approved:



John F. Blake
Chairman

Information Review Committee

Date: 17 Nov '75

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